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tain to the interpretation of the variously worded clauses limiting the operation of the statutes to cases where the testator has neither provided for, nor intentionally excluded, the after-born child. The great weight of authority holds any provision, however inadequate, sufficient under these clauses to prevent the operation of the statute, since the purpose of the statute is to protect only such children as are unintentionally omitted. This is very clear when the statute expressly declares that it is not to apply where there is an apparent intention to exclude. But in Pennsylvania, Maine, and Rhode Island, in which states the statutes are not thus expressly limited in application, they are construed as making of no avail an intention to disinherit the after-born child, and as requiring in every case some positively beneficial provision which shall be available to him as a present means of support. This construction the author criticises as not in accord with the purpose of the statutes. As to the evidence of intention to disinherit, which intention the statutes generally require to appear from the will itself, the courts have taken a liberal view, allowing the circumstances surrounding the making of the will to show such intention. Mr. Altizer criticises the Massachusetts doctrine that "parol evidence" is admissible for this purpose. By this, he evidently means merely parol evidence of declarations of intention by the testator. But the wording of the Massachusetts statute — "unless it appears that the omission was intentional" — would seem to justify the practice.

ERRONEOUS DESCRIPTION OF A BENEFICIARY IN A CERTIFICATE OF A BENEFIT SOCIETY. — In most jurisdictions statutes restrict the payment of death benefits of deceased members of benefit societies to particular persons, usually the husband, wife, betrothed, relatives, dependents, and adopted children. Within this list, subject to further restriction, but not to extension, by the by-laws of the society, a member has unlimited power to name his beneficiary. Occasionally, however, a person is erroneously or falsely described in the certificate, so as to appear within the statutory limits. A helpful discussion of typical cases of this sort may be found in a recent article, *Rights of Beneficiaries Erroneously or Falsely Described in Benefit Society Certificates*, by Cyrus J. Wood, 57 Central L. J. 383 (Nov. 13, 1903). The writer shows that courts are inclined to take into consideration the benevolent character and purpose of these societies and, in order to effectuate this purpose, liberally construe their by-laws and the statutes, giving a broad interpretation, for example, to such terms as "relatives," "families," and "dependents." So one improperly described in the certificate as a "relative" may obtain the benefit on proving dependency. This rule was not applied, however, in one case where the beneficiary, named as wife, became dependent by knowingly living with the member as his mistress. If, on the other hand, the beneficiary named cannot be brought within the prescribed limits, those who are within the rules may be awarded the benefit as against both the insured and the society. In short, a misdescription seems to be ignored, and the rights of all concerned are decided according to the benevolent purpose of the society with regard to the real relation of the appointed beneficiary to the deceased.

ACTION FOR INFRINGEMENT OF RIGHT OF PRIVACY BASED UPON BREACH OF TRUST OR CONFIDENCE. *Anon.* 57 Central L. J. 361.

ALLOWANCE FOR COMPULSORY PURCHASE. *Anon.* Discussing with approval the recognized practice of English juries and arbitrators of allowing more than the actual market value. 67 Justice of P. 517.

BURDEN OF PROOF. *Anon.* 67 Justice of P. 529.

CHANGES OF NAME. *Anon.* Discussing English decisions. 116 Law T. 26.

CONVEYANCING AND EQUITY CASES OF THE PAST YEAR. *John Indermaur.* Showing by a selection of cases the development of the law. 25 Law Stud. J. 224.

- COVENANTS AGAINST ASSIGNING AND UNDERLEASING. *Anon.* 22 Law Notes (London) 330.
- COVENANTS AS QUASI-CONTRACTS. *Louis L. Hammon.* Discussing the distinctions between the different classes of covenants. 2 Mich. L. Rev. 106.
- DAMAGES UNDER "THE EMPLOYERS' AND WORKMEN'S ACT." *Anon.* 67 Justice of P. 494.
- DEFECTS IN LAWS RELATING TO MARRIED WOMEN. *John Indermaur.* 116 Law T. 2.
- DOCTRINE OF REASONABLE DOUBT, THE. *J. S. Burger.* 11 Am. Lawyer 440. See *supra*.
- DUE PROCESS OF LAW. Part II. *Alton B. Parker.* 11 Am. Lawyer 431.
- EMPLOYMENT OF CHILDREN ACT, THE. *Anon.* Discussing the recent English Act. 57 Justice of P. 541.
- ENFORCEMENT OF ADMINISTRATIVE LAW, THE. *W. Harrison Moore.* 1 Commonwealth L. Rev. 13.
- ESTATE DUTY. *G. Thatcher.* Discussing liability under English Statutes. 116 Law T. 13.
- EVIDENCE OF SIMILAR OFFENCES. *Anon.* 2 Can. L. Rev. 689.
- FELLOW SERVANT DOCTRINE IN THE UNITED STATES SUPREME COURT, THE. *Albert Martin Kales.* 2 Mich. L. Rev. 79. See *supra*.
- FIRM AS A LEGAL PERSON, THE. *Wm. Hamilton Cowles.* 57 Central L. J. 343. See *supra*.
- FOREIGN VOLUNTARY ASSIGNMENTS FOR THE BENEFIT OF CREDITORS. Part I. *Edson R. Sunderland.* 2 Mich. L. Rev. 112.
- GROWING MASS OF CASE LAW, THE. *Anon.* Discussing the methods proposed by the committee of the American Bar Association for reducing the evil. 7 Law Notes (N. Y.) 144.
- HUSBANDS AND WIVES AS WITNESSES. *Anon.* Discussing principally the effect of English statutes. 57 Justice of P. 543.
- IMMUNITY OF MARRIED WOMEN FROM CRIMINAL LIABILITY. *Anon.* 67 Justice of P. 506.
- INTERSTATE SERVICE OF PROCESS. *D. G. Ferguson.* Discussing the effect of acts passed by the first Commonwealth Parliament in Australia. 1 Commonwealth L. Rev. 18.
- LAND TITLES ACT, THE. *Anon.* Discussing the expense of registering titles under the recent Canadian Act. 39 Can. L. J. 724.
- LAW AND REASONABLENESS. *Le Baron B. Colt.* Discussing the chief modes by which our law has progressed towards ideal justice. 7 Law Notes (N. Y.) 148.
- LIABILITY OF BANK ON A CERTIFIED CHECK, THE. *Glenda Burke Slaymaker.* 57 Central L. J. 367.
- MENS REA. *Silas Alward.* 39 Can. L. J. 691.
- NEW TRIALS FOR ERRONEOUS RULINGS UPON EVIDENCE. *John H. Wigmore.* 3 Columbia L. Rev. 433. See *supra*.
- RIGHTS OF BENEFICIARIES ERRONEOUSLY OR FALSELY DESCRIBED IN BENEFIT SOCIETY CERTIFICATES. *Cyrus J. Wood.* 57 Central L. J. 383. See *supra*.
- SETTLEMENT OF CHILD UNDER SIXTEEN. *Anon.* 67 Justice of P. 493.
- SOME POINTS ON THE LAW OF MURDER. *Anon.* 67 Justice of P. 519.
- STATUTES OF ONTARIO, THE. *N. W. Hayles.* A summary of the legislation of the year. 23 Can. L. T. 34.
- STEEL CORPORATION CASES, THE. *James F. Tracey.* Discussing two New Jersey decisions, which hold that it is within the power of the United States Steel Corporation to issue mortgage bonds in order to retire a portion of its capital stock. 3 Columbia L. Rev. 470.
- STOPPING PAYMENT OF A CHEQUE. *Anon.* Discussing liability of drawer to payee after payment is stopped. 39 Can. L. J. 726.
- SUBSEQUENT BIRTH OF CHILDREN AS A REVOCATION OF A WILL. Part II. *Marvin H. Altizer.* 9 Va. L. Reg. 579. See *supra*.

- SUPREME COURT OF THE UNITED STATES DURING THE FIRST HALF OF ITS EXISTENCE. *A. Inglis Clark*. 1 Commonwealth L. Rev. 3.
- TAXATION IN THE PHILIPPINES. *W. F. Norris*. An outline of the system introduced by the Philippine commission. 15 Green Bag 538.
- "THE CROWN" AS REPRESENTING "THE STATE." *Pitt Corbett*. Criticising the non-recognition of the state as a juristic person by the English law. 1 Commonwealth L. Rev. 23.
- THE TUB-WOMEN *v.* THE BREWERS OF LONDON. *William A. Purrington*. Discussing the liability of trade and labor combinations. 3 Columbia L. Rev. 447.
- TRUSTEE COMPANIES. *Robert C. Nesbitt*. Pointing out the difficulty of securing in England the services of trustees, and advocating the introduction of Trust Companies created by Act of Parliament. 116 Law T. 40.
- VERBAL ALTERATION OF WRITTEN CONTRACTS IN MATERIAL PARTS. *Walter J. Lotz*. Discussing the discharge of sureties. 57 Central L. J. 403.

II. BOOK REVIEWS.

OUR ARCHAIC COPYRIGHT LAWS. An address by Samuel J. Elder of the Boston Bar. Delivered before the Maine State Bar Association. Augusta, Maine: Press of Charles E. Nash & Son. 1903. pp. 25. 8vo.

To secure the protection of our copyright laws an author must comply with certain conditions. (1) On or before the day of publication the title of the work must be delivered at, or deposited in the mail addressed to, the office of the Librarian of Congress. (2) Not later than the day of publication two copies of the work must be delivered or deposited in the same manner. (3) The protection of the copyright is lost in case the author fails to insert, in any copy of the work published, a notice, in a prescribed form, of the fact of copyright.

The major part of Mr. Elder's address is an adverse criticism of these three conditions. He argues that even after publication an author has a property right resulting from his labor, genius, and ingenuity, and that the copyright laws should be adapted to the protection of this right. He concludes that none of the three conditions are consistent with this fundamental object of copyright legislation. It is evident that the value of this argument depends upon the soundness of the initial proposition that an author has this property right. After reviewing the decisions and legislation Mr. Elder concludes that this right has been generally conceded.

This method of treating the question seems open to objection in several particulars. Since the constitutionality of the conditions can hardly be doubted, the question as to their propriety is addressed, not to the courts, but to the legislature, and an argument from the common law can have little value, unless as furnishing evidence of the recognition of a "natural right." But any argument that assumes the existence of a natural right is necessarily weak in that it opens at once all the vexed academic questions as to the existence and nature of such rights. Furthermore, in order to prove the existence of any particular natural right from its recognition, a recognition which is practically universal must be shown. This has never been accorded in the case of an author. A strong minority of the authorities have vigorously denied the existence of the right, and have insisted that the copyright privilege is in its essence a bounty which the state bestows to stimulate literary production, just as bounties are granted to encourage the production of certain vegetables, or the destruction of harmful animals. See *DRONE, COPYRIGHTS*, p. 2.

A simpler and more practical method of treatment than that employed by Mr. Elder might commence with an examination of the interests affected by copyright legislation. On the one hand, the author is entitled to compensation for his labor, while, on the other hand, the public is interested to secure the free circulation of valuable literature at reasonable cost. The wisdom of any con-